

FILED

Jan 05 2022

CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA****CRIMINAL COVER SHEET**

Instructions: Effective November 1, 2016, this Criminal Cover Sheet must be completed and submitted, along with the Defendant Information Form, for each new criminal case.

CASE NAME:

USA v. MIN JIN ZHAO

CASE NUMBER:

CR 21-181 VC

Is This Case Under Seal?

Yes

No ☒**Total Number of Defendants:**1 ☒

2-7

8 or more

Does this case involve ONLY charges under 8 U.S.C. § 1325 and/or 1326?

Yes

No ☒**Venue (Per Crim. L.R. 18-1):**SF ☒

OAK

SJ

Is this a potential high-cost case?

Yes

No ☒**Is any defendant charged with a death-penalty-eligible crime?**

Yes

No ☒**Is this a RICO Act gang case?**

Yes

No ☒**Assigned AUSA****(Lead Attorney):** Ankur Shingal**Date Submitted:** 1/5/2022**Comments:**

RESET FORM

SAVE PDF

United States District Court

FOR THE
NORTHERN DISTRICT OF CALIFORNIA

VENUE: SAN FRANCISCO

UNITED STATES OF AMERICA,

V.

MIN JIN ZHAO,
a/k/a Michael Zhao,
a/k/a Michael West,

FILED

Jan 05 2022

CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO

DEFENDANT(S).

SUPERSEDING INDICTMENT

18 U.S.C. § 1343 - Wire Fraud
18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c) – Forfeiture Allegation

A true bill.

/s/ Foreperson of the Grand Jury

Foreman

Filed in open court this 5th day of

January 2022

M. Jack

Clerk

Bail, \$ No Process

Sallie Kim

Magistrate Judge Sallie Kim

FILED

Jan 05 2022

CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO

STEPHANIE M. HINDS (CABN 154284)
United States Attorney

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)	CASE NO. CR 21-181 VC
Plaintiff,)	
v.)	<u>VIOLATIONS:</u>
MIN JIN ZHAO,)	18 U.S.C. § 1343 – Wire Fraud;
a/k/a Michael Zhao,)	18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c) –
a/k/a Michael West,)	Forfeiture Allegation
Defendant.)	SAN FRANCISCO VENUE

SUPERSEDING INDICTMENT

The Grand Jury charges:

INTRODUCTORY ALLEGATIONS

At all times relevant to this Indictment, unless otherwise indicated:

1. Defendant MIN JIN ZHAO resided in or around Palm Springs, California.
2. Victim X.W. resided in the Northern District of California.
3. Victim R.K. resided in the Northern District of California.
4. Big Block Consulting, Inc. (“BBC”) is a corporation that was registered with the State of California on July 18, 2016. BBC was operated and used by ZHAO in both schemes described herein.

Conduct Related to X.W.

5. In approximately 2018, ZHAO met X.W. at a music festival in Marin County, California.

INDICTMENT

1 ZHAO told X.W. that he was a film executive at Sony.

2 6. In approximately January 2021, ZHAO contacted X.W. about an investment opportunity.
3 ZHAO told X.W. that if X.W. invested \$500,000 in ZHAO's BBC, X.W. would become an executive
4 producer on BBC's movie projects and receive a percentage of BBC's earnings.

5 7. On approximately February 8, 2021, BBC emailed X.W. a "Film Financing Agreement."
6 ZHAO provided X.W. a Mandarin translation of the contract. The contract provided, among other
7 items, that BBC was "established to produce, own and exploit Motion Pictures in 2021." The contract
8 also provided that X.W. agreed to lend \$500,000 to BBC at a six percent annual interest.

9 8. On approximately February 12, 2021, X.W. wired approximately \$300,000 from her
10 Citibank account ending 9799 to an account at Bank of America ending in 0293, held in the name BBC.

11 Conduct Related to R.K.

12 9. In approximately May 2014, ZHAO met R.K. at a birthday party in Petaluma, California.
13 ZHAO told R.K. that he was an executive at Sony.

14 10. In approximately 2017, ZHAO told R.K. that ZHAO could invest R.K.'s money and
15 provide her an approximately 10% monthly return. He claimed that he could invest her money through
16 BBC, which R.K. understood to be an investment firm that ZHAO was associated with.

17 11. Beginning in approximately 2017 and continuing through approximately May 2021, R.K.
18 sent over \$2 million to ZHAO to invest on R.K.'s behalf. ZHAO represented that these investments
19 were for R.K.'s retirement. ZHAO would often take cashier's checks from R.K. to invest with BBC.

20 12. On approximately September 5, 2018, a check for \$760,720.52 from a Northern Trust
21 Company account ending in 2018 was deposited into an account at Bank of America ending in 0293,
22 held in the name BBC. The face of the check stated "Pay to the Order of: BIG BLOCK CONSULTING
23 INC. FBO [R.K]."

24 13. On approximately December 1, 2018, C.B. provided R.K. a check for approximately
25 \$6,000 to pay for renting R.K.'s property. C.B.'s check was written out of an Old Line Bank account
26 ending in 4806. R.K. then provided that check to ZHAO, and the check was then deposited on
27 December 10, 2018, into an account at Bank of America ending in 0293, held in the name BBC.

28 //

1 COUNT ONE: (18 U.S.C. § 1343 – Wire Fraud)

2 14. Paragraphs 1, 2, 4, and 5 through 8 of this Superseding Indictment are re-alleged and
3 incorporated as if fully set forth here.

4 15. Beginning in or about January 2021 and continuing through in or about March 2021, in
5 the Northern District of California and elsewhere, the defendant,

6 MIN JIN ZHAO,

7 knowingly and with the intent to defraud participated in, devised, and intended to devise a scheme and
8 artifice to defraud as to a material matter, and to obtain money and property by means of materially false
9 and fraudulent pretenses, representations, and promises, and by means of omission and concealment of
10 material facts.

11 THE SCHEME AND ARTIFICE TO DEFRAUD

12 16. ZHAO participated in, devised, and intended to devise a fraudulent scheme whereby he
13 posed as an executive at Sony and solicited investments for film projects. In fact, ZHAO was not
14 affiliated with Sony and he used the funds he raised for his own expenses.

15 MANNER AND MEANS

16 17. As part of the manner and means of carrying out the scheme and artifice, ZHAO (1)
17 made materially false and fraudulent pretenses, representations, and promises to X.W.; (2) concealed
18 material facts from X.W. about the nature of X.W.’s investments; (3) fabricated a “Film Financing
19 Agreement;” and (4) had X.W. wire the purported investment money to a bank account in the name of
20 BBC.

21 THE USE OF THE WIRES

22 18. On or about February 12, 2021, in the Northern District of California and elsewhere, for
23 the purpose of executing the aforementioned scheme and artifice to defraud and attempting to do so, the
24 defendant,

25 MIN JIN ZHAO,

26 did knowingly transmit and cause to be transmitted in interstate and foreign commerce, by means of a
27 wire communication, certain writings, signs, signals, pictures, and sounds, specifically, a wire transfer
28 for approximately \$300,000 from Victim X.W.’s Citibank account ending in 9799 to BBC’s Bank of

1 America account ending in 0293.

2 All in violation of Title 18, United States Code, Section 1343.

3
4 COUNTS TWO AND THREE: (18 U.S.C. § 1343 – Wire Fraud)

5 19. Paragraphs 1, 3, 4, and 9 through 13 of this Superseding Indictment are re-alleged and
6 incorporated as if fully set forth here.

7 20. Beginning in or about 2017 and continuing through in or about May 2021, in the
8 Northern District of California and elsewhere, the defendant,

9 MIN JIN ZHAO,

10 knowingly and with the intent to defraud participated in, devised, and intended to devise a scheme and
11 artifice to defraud as to a material matter, and to obtain money and property by means of materially false
12 and fraudulent pretenses, representations, and promises, and by means of omission and concealment of
13 material facts.

14 THE SCHEME AND ARTIFICE TO DEFRAUD

15 21. ZHAO participated in, devised, and intended to devise a fraudulent scheme whereby he
16 claimed to run an investment firm, BBC, which offered high monthly rates of return. ZHAO took in
17 money from individuals that he was supposedly investing and managing; however, ZHAO did not invest
18 or manage the money but used it for his personal expenses such as paying off credit card bills and
19 buying a property in Indian Wells, CA.

20 MANNER AND MEANS

21 22. As part of the manner and means of carrying out the scheme and artifice, ZHAO (1)
22 made materially false and fraudulent pretenses, representations, and promises to R.K.; (2) concealed
23 material facts from R.K. about the use of her funds; (3) accepted cashier's checks from R.K.; and (4)
24 directed R.K. to deposit funds in a Bank of America account in the name of BBC.

25 THE USE OF THE WIRES

26 23. On or about the dates set forth in separate counts below, in the Northern District of
27 California and elsewhere, for the purpose of executing the aforementioned scheme and artifice to
28 defraud and attempting to do so, the defendant,

MIN JIN ZHAO,
did knowingly transmit and cause to be transmitted in interstate and foreign commerce, by means of a
wire communication, certain writings, signs, signals, pictures, and sounds, specifically wire
communications as set forth below:

COUNT	DATE	DESCRIPTION
TWO	On or about September 5, 2018	Electronic images of check #70-2382 for \$760,720.52 from a bank account at the Northern Trust Company ending in 2018, to a bank account at Bank of America ending in 0293, held in the name of BBC and used by ZHAO.
THREE	On or about December 10, 2018	Electronic images of check #1429 for \$6,000.00 from a bank account at Old Line Bank ending in 4806, to a bank account at Bank of America ending in 0293, held in the name of BBC and used by ZHAO.

All in violation of Title 18, United States Code, Section 1343.

FORFEITURE ALLEGATION: (18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c))

The allegations contained in this Indictment are re-alleged and incorporated by reference for the purpose of alleging forfeiture pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c).

Upon conviction for any of the offenses set forth in this Indictment, the defendant,

MIN JIN ZHAO,
shall forfeit to the United States, pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c), all property, real or personal, constituting, or derived from proceeds the defendant obtained directly and indirectly, as the result of those violations, including but not limited to a forfeiture money judgment and the following real property:

- The real property commonly known as 45365 Hopi Road, Indian Wells, California 92210, associated with Assessor Parcel Number 633271008 as assigned by the County of Riverside.

1 If any of the property described above, as a result of any act or omission of the defendant:

- 2 a. cannot be located upon exercise of due diligence;
3 b. has been transferred or sold to, or deposited with, a third party;
4 c. has been placed beyond the jurisdiction of the court;
5 d. has been substantially diminished in value; or
6 e. has been commingled with other property which cannot be divided without
7 difficulty,

8 the United States of America shall be entitled to forfeiture of substitute property pursuant to Title 21,
9 United States Code, Section 853(p), as incorporated by Title 28, United States Code, Section 2461(c).

10 All pursuant to Title 18, United States Code, Section 981(a)(1)(C), Title 28, United States Code,
11 Section 2461(c), and Federal Rule of Criminal Procedure 32.2.

12
13 DATED: January 5, 2022

A TRUE BILL.

14
15 /s/
16 FOREPERSON

17 STEPHANIE M. HINDS
18 United States Attorney

19 /s/
20 ANKUR SHINGAL
21 Assistant United States Attorney
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FILED

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DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTIC
 BY: ☐ COMPLAINT ☐ INFORMATION ☒ INDICTMENT
☒ SUPERSEDING
OFFENSE CHARGED

18 U.S.C. 1343 -- Wire Fraud

- ☐
- Petty
-
- ☐
- Minor
-
- ☐
- Misdemeanor
-
- ☒
- Felony

PENALTY: Maximum: 20 years' imprisonment; \$250,000 fine; 3 years of supervised release; \$100 special assessment; restitution; forfeiture

 Name of District
 NORTHERN
 DISTRICT OF CALIFORNIA

 CLERK, U.S. DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO
DEFENDANT - U

Min Jin Zhao

 DISTRICT COURT NUMBER
 CR 21-181 VC
PROCEEDING

Name of Complainant Agency, or Person (& Title, if any)

☐ person is awaiting trial in another Federal or State Court, give name of court

☐ this person/proceeding is transferred from another district per (circle one) FRCrP 20, 21, or 40. Show District

☐ this is a reprosecution of charges previously dismissed which were dismissed on motion of:

☐ U.S. ATTORNEY ☐ DEFENSE

SHOW DOCKET NO.

☐ this prosecution relates to a pending case involving this same defendant

MAGISTRATE CASE NO.

☐ prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded under

 Name and Office of Person
 Furnishing Information on this form Stephanie M. Hinds

☒ U.S. Attorney ☐ Other U.S. Agency

 Name of Assistant U.S.
 Attorney (if assigned) Ankur Shingal
DEFENDANT**IS NOT IN CUSTODY**
 1) ☐ Has not been arrested, pending outcome this proceeding. If not detained give date any prior summons was served on above charges

 2) ☐ Is a Fugitive

 3) ☐ Is on Bail or Release from (show District)
IS IN CUSTODY
 4) ☐ On this charge

 5) ☒ On another conviction

☒ Federal ☐ State

 6) ☐ Awaiting trial on other charges

If answer to (6) is "Yes", show name of institution

 Has detainer been filed? ☐ Yes ☐ No

If "Yes" give date filed

DATE OF ARREST

Month/Day/Year

Or... if Arresting Agency & Warrant were not

DATE TRANSFERRED TO U.S. CUSTODY

Month/Day/Year

☐ This report amends AO 257 previously submitted
ADDITIONAL INFORMATION OR COMMENTS**PROCESS:**
☐ SUMMONS ☒ NO PROCESS* ☐ WARRANT

Bail Amount: _____

If Summons, complete following:

☐ Arraignment ☐ Initial Appearance

Defendant Address:

* Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Date/Time: _____ Before Judge: _____

Comments: